

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 120 OF 2007

IN

FIRST APPEAL NO. 90 OF 1999

SMT.PRISCA FERNANDES E FERRAO.

....Applicant

Versus

STATE OF GOA THROUGH SPECIAL LAND
ACQUISITION OFFICER AND ANR

....Respondents

Mr. Sudesh Usgaonkar, Advocate for the applicant.

Mr. S. Vahidulla, Addl. Govt. Advocate for the respondents.

Coram:- S.A.BOBDE, J.

Date:- 8th March, 2007

P.C.

Heard. This civil application is for withdrawal of an amount of Rs. 1,38,369/-. This amount was directed to be deposited by this Court by Order dated 20.9.1999. The amount was further directed to be invested in any nationalised bank. This Court has already disposed of the first appeal of the State on 21.9.2006. There is no reason why the respondent-applicant should be denied permission to withdraw the amount along with accrued interest. Hence, the MCA is, hereby, allowed.

It is made clear that the respondent-applicant will have to seek the enhanced amount by way of execution. Mr. Vehidulla, learned Addl. Govt. Advocate states that it is possible that the respondent may be entitled to a lesser amount. In such a situation, the appellant-State would be entitled to claim set off at the time of execution. In case, the respondent-applicant makes a claim for larger amount, that will also have

to be decided by the executing Court.

S.A.BOBDE, J.

ssm.